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January 13, 2004

Via Hand Delivery

The Honorable Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

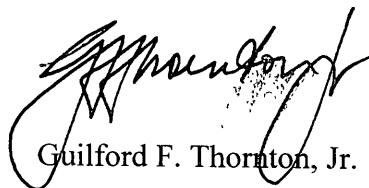
RE: *Application of BellSouth Long Distance, Inc. to Provide Competing Local
Telecommunications Services*
Docket No. 03-00602

Dear Chairman Tate:

On behalf of BellSouth Long Distance, Inc, I am enclosing with this letter an objection to the petition to intervene previously filed by AT&T of the South Central States, Inc. ("AT&T") in this matter. A copy is being served on counsel for AT&T.

Should you have any questions or require anything further at this time, please do not hesitate to contact me.

Sincerely,



Guilford F. Thornton, Jr.

GFT/sef

Enclosures

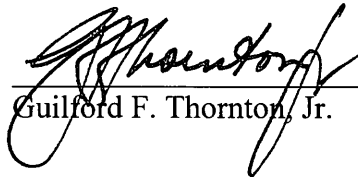
cc: Harris Anthony

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T.R.A. DOCKET ROOM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 13th day of January, 2004.

Henry Walker
Boult Cummings Conners & Berry
414 Union Street, Suite 1600
Nashville, TN 37219



Guilford F. Thornton, Jr.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: PETITION OF BELL SOUTH LONG)	
DISTANCE, INC. TO PROVIDE)	
COMPETING LOCAL)	Docket No. 03-0062
TELECOMMUNICATIONS SERVICES)	

**BELL SOUTH LONG DISTANCE, INC.'S
OBJECTION TO PETITION TO INTERVENE FILED BY
ATT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, LLC**

BellSouth Long Distance, Inc. ("BSLD") respectfully submits this objection to the Petition to Intervene filed by AT&T Communications of the South Central States, LLC ("AT&T"). In support of this objection BSLD states as follows:

1. BSLD has filed a Petition in the above-captioned docket which seeks to expand BSLD's Certificate of Public Convenience and Necessity to allow BSLD to provide competitive local telecommunications services.

2. In order to intervene, TRA Rule 1220-1-2-.08 requires the putative intervenor to comply with T.C.A. § 4-5-310 and set forth "with particularity those facts that demonstrate that the petitioner's legal rights . . . or other legal interests may be determined in the proceeding . . ." TRA Rule 1220-1-2-.08 (emphasis added).

3. T.C.A. § 5-5-301 requires the intervention petition to state "facts demonstrating that the petitioner's legal rights . . . or other legal interests may be determined in the proceeding . . ." T.C.A. § 4-5-310 (a).

4. In support of its Petition to Intervene, AT&T asserts merely that it is "a competitive local exchange carrier certified by the Authority, and as such, AT&T's legal rights . . . or other legal interests or responsibilities may be affected by the outcome of this proceeding."

5. This bare statement does not comply with the above-referenced statute or the applicable TRA rule. AT&T offers no facts stated with particularity that demonstrate that AT&T's rights will in fact be affected by the outcome of this proceeding. AT&T raises no issues for the Authority to consider in determining whether or not to delay its orderly consideration of BSLD's application.

6. AT&T's assertion that granting its petition will not impair "the orderly and prompt conduct of these proceedings" is comical. AT&T has sought consistently to delay competition by attempting to thwart previous petitions filed by BSLD as well as those of other BellSouth companies.¹ The authority sought by BSLD in this docket flows directly from previous Tennessee Court of Appeals, Federal Communications Commission and TRA decisions. There are no material issues to be argued concerning the authority sought by BSLD, which perhaps explains why AT&T raises none in its petition.

7. Even if AT&T's petition had complied with statutory and regulatory requirements, the Authority would be under no obligation to convene a contested case. The Tennessee Supreme Court has held that the decision to convene a contested case is not statutorily mandated; rather it lies within the discretion of the TRA. *See Consumer Advocate Div. v. Greer*, 967 SW 2d 759, 763-64. (Tenn. 1998); *Consumer Advocate Div. v. Tennessee Regulatory Authority* 2001 575570, at *6 (Tenn. Ct. App. May 30, 2001). This Authority has acted previously to deny petitions to intervene where the circumstances did not warrant a contested

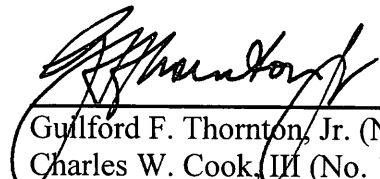
¹ AT&T opposed BSLD's initial application for authority, filed with the TRA August 1, 1997 (TRA Docket No. 97-01404). The TRA certificated BSLD on February 12, 1999, fully 18 months later. Similarly, AT&T opposed an application for authority to provide competing local service filed October 30, 1997 by BellSouth BSE, Inc., an affiliate of BSLD (See TRA Docket No. 97-01505). The TRA's order, which granted the application in part, was released December 8, 1998. The Tennessee Court of Appeals, over the objections of AT&T, subsequently reversed the part of the TRA order that had denied BSE the authority to provide competing local service in territory served by BellSouth Telecommunications, Inc. The Court of Appeals remanded that case to the TRA. BSLD's current filing is designed to reflect the intent of the Court's decision.

case proceeding.² In *Greer*, the Supreme Court found: (1) that, as in this case, the complaint filed failed to comply with TRA rules and procedures; and (2) that even if the complaint was procedurally sound, the TRA maintains the prerogative to decline to open a contested case.

8. The Authority is fully capable of making an informed, competent decision on BSLD's petition without the need for a superfluous contested case. TRA staff already have collected from BSLD answers to data requests to supplement the information provided in BSLD's application packet. The agency need not conduct yet another proceeding in order to put itself in position to judge BSLD's application.

WHEREFORE, BSLD requests that AT&T's Petition to Intervene be denied and that the Authority resume its orderly consideration of BSLD's application..

Respectfully submitted,



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² See TRA Docket 02-00088 Petition of Citizens Telecommunications Company for approval of their residential "win back" promotion in the McMinnville and Sparta exchanges. There the TRA declined to convene a contested case in response to a complaint filed by the Consumer Advocate Division.